

BEST AVAILABLE COPY

ATTORNEY DOCKET NUMBER: P0738/7001/ERP/KA
Express Mail Label No.: EL844533621US
Date of Deposit: August 21, 2001

*Ref. Amst. B
9/6/03*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard T. Lee, et al.
Serial No. Not Yet Assigned
Filed: August 21, 2000
For: DIAGNOSIS AND TREATMENT OF CARDIOVASCULAR
CONDITIONS
Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned

BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Before calculating the fees, please amend the above-identified application as follows:

In the claims:

Cancel 5-7, 13-14, 16, 18-19, 21-30, 33-38, 40-43, 45-47, 49, 51, 53, 58-62, 64-67, 69-70, and 73-78.

Please amend claims 8, 12, 15 and 17 as follows:

B1
Cancel 11.

8. (Amended) An expression vector comprising the isolated nucleic acid molecule of claim 1, operably linked to a promoter.

Cancel 11.

12. (Amended) An isolated polypeptide encoded by a nucleic acid molecule of claim 1, wherein the polypeptide, or fragment of the polypeptide, has cardiac cell anti-apoptotic activity.

Cancel 11.

15. (Amended) An isolated polypeptide encoded by a nucleic acid molecule of claim 1, wherein the polypeptide, or fragment of the polypeptide, is immunogenic.

Cancel 11.

17. (Amended) An isolated binding polypeptide which binds selectively a polypeptide encoded by an isolated nucleic acid molecule of claim 1.

556050.1

BEST AVAILABLE COPY

Serial No Not Yet Assigned File No. 20138-1001 by EPP/KA/egs
 Title: Diagnosis and Treatment of Cardiovascular Conditions
 Application of Richard T Lee et al. WGS Date: _____

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. <u>ELY4455551US</u>	<input type="checkbox"/> Provisional Application Cover Sheet
<input checked="" type="checkbox"/> Patent Application <input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional Incl. <u>16</u> pages, (<u>8</u> page) Specification (<u>1</u> page) Abstract, (<u>1</u> page) Claims (<u>18</u> # claims)	<input type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input type="checkbox"/> Design Patent Application	<input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449
<input type="checkbox"/> Declaration(s)	<input type="checkbox"/> References Cited
<input checked="" type="checkbox"/> Drawings <u>1</u> Sheet(s) (FIGS. <u>1</u>) <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Priority Document(s) # _____
<input checked="" type="checkbox"/> Utility Patent Application Transmittal Fee calculation sheet (x2) CPA Transmittal Verified Statement claiming small entity status Assignment and Cover Sheet	<input type="checkbox"/> Copy of Notice to File Missing Parts Amendment/Response Preliminary Petition for Ext. of Time (x2) Issue Fee Transmittal Letter to Official Draftsperson Notice of Appeal Brief (x3) Check for \$ _____ Check # _____
	<input checked="" type="checkbox"/> Transmittal Letter (x2) Cert. of Mailing under 37 CFR 1.8(a)

Other Sequence listing Sequence listing under 1.821
 Diskette containing Sequence listing

DATE MAILED August 21, 2001

BEST AVAILABLE COPY



Wolf, Greenfield & Sacks, P.C.

Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210
(617) 720-3500

RECEIVED

AUG 27 2001

Wolf, Greenfield & Sacks, P.C.
Legal Services Dept.

USPS
09/02/03
08/21/03
08/21/03



BEST AVAILABLE COPY

F A X C O V E R

*****OFFICIAL FAX*****

Date: March 5, 2003 **Number of pages (including cover):** 8

To: Examiner Zachariah Lucas, U.S. Patent and Trademark Office

Fax No.: 703-746-8480

Serial No.: 09/934,249

Title: DIAGNOSIS AND TREATMENT OF CARDIOVASCULAR CONDITION

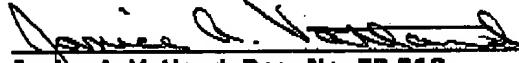
From: Janice A. Vatland, Ph.D.

Direct dial: 617.573.7861

Our File #: P00738.70001.US

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Zachariah Lucas, FAX number 703-746-8480, at the United States Patent and Trademark Office, Washington, D.C. 20231, in accordance with 37 C.F.R. §1.6(d), on the 5th day of March, 2003.



Janice A. Vatland, Reg. No. 52,318

ORIGINAL DOCUMENTS WILL NOT BE MAILED.

MESSAGE: Transmitted herewith are Letter to Examiner and copies of the Preliminary Amendment and return receipt postcard.

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.720.3500 IMMEDIATELY.

Wolf Greenfield Fax Number: 617.720.2441

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206
617.720.3500 | fax 617.720.2441 | www.wolfgreenfield.com

PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

DOCKET NO: P00738.70001.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard T. Lee, et al.
 Serial No: 09/934,249
 Confirmation No: 6506
 Filed: August 21, 2001
 For: DIAGNOSIS AND TREATMENT OF
 CARDIOVASCULAR CONDITIONS
 Examiner: Lucas, Zachariah
 Art Unit: 1648

BEST AVAILABLE COPY**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Zachariah Lucas, FAX number 703-746-8480, at the United States Patent and Trademark Office, Washington, D.C. 20231, in accordance with 37 C.F.R. §1.6(d), on the 5 day of March, 2003.


 Janice A. Vatland, Reg. No. 52,318

Fax Number 703-746-8480
 Commissioner for Patents
 Washington, D.C. 20231

LETTER TO THE EXAMINER

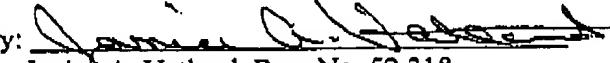
Sir:

Thank you for drawing to our attention that the preliminary amendment sent by us to the USPTO on August 21, 2001 was not recorded as being received.

We are now providing copies to you of the preliminary amendment and the return receipt postcard indicating the preliminary amendment was received on August 21, 2001.

Please feel free to contact us with any questions. Thank you again.

Respectfully submitted,
 Richard T. Lee, et al., *Applicants*

By: 
 Janice A. Vatland, Reg. No. 52,318
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, Massachusetts 02210-2211
 Telephone: (617) 720-3500

Docket No. P00738.70001.US
 Date: March 5, 2003
 XNDDX